

**Middle Rio Grande Endangered Species Act Collaborative Program**

**Interim Steering Committee**

June 14, 2005 Meeting 1:30 – 3:30 p.m.

FWS Ecological Field Service

**Agenda**

- Introductions
- Water/Minnow Updates
- Brief on Meeting on Proposals
- Program Reorganization Update
- PAP Report Update
- Next InSC Meeting
- Action Items

**Introductions**

Introduction of InSC members and other participants took place.

**Water/Minnow Updates**

Information following was either presented during the InSC meeting or was posted on listserve the day following the meeting:

- Water stored in reservoirs:
  - 532,111 AF – Elephant Butte
  - 46,624 AF – Caballo
  - 144,012 AF – El Vado
  - 203,048 AF – Heron
  - 138,830 AF – Abiquiu
  - 67,448 AF – Cochiti
- Flows and releases as of June 15:
  - RG at Embudo – 2,430 cfs
  - RG at Ottowi – 4,330 cfs
  - RG in Albuquerque – 4,910 cfs
  - RG at San Acacia – 5,770 cfs
  - RG at San Marcial – 4,240 cfs
  - Cochiti total release – 5,581 cfs (expected at 5,100 cfs later in the day)
- Under the assumption that we'll be able to keep the channel open, we do not expect going back into Article VII restrictions under the Rio Grande Compact this year.
- Monitoring of eggs and larvae continues. Minnow eggs in small numbers (<10) have been collected as recently as the previous weekend. Hundreds of larval minnows have been reported from overbank areas in the Albuquerque and Isleta reaches.

**Brief on Meeting on Proposals**

- During the morning of June 14, the InSC convened in closed session to discuss proposals. A schedule including the remaining tasks necessary to complete the review and selection process was provided.
- It is expected that by August 17 final responses are received from TPECs to clarify scopes proposed in the proposals.

- Decision on awards to be made by September 15; if necessary, as in past years, encumbrances of funding might be necessary so Program funding is not lost due to late awards.
- There will be fewer proposals to be reviewed for the next round.
- Reclamation added \$300,000 additional funding to the water acquisition and management category.
- There was a discussion regarding the fact that the confidentiality process to allow InSC's involvement in proposal review was imposed by Reclamation at the last minute and consequently consumed a good portion of the last InSC meeting and took one hour of the closed meeting in the morning. This is not a desirable situation. Some think that this confidentiality process is not necessary, and the last minute request was inappropriate; the waste of time generated by this late request fueled frustration. It was also mentioned that by placing these requirements, Reclamation staff did not intend to create delays and frustration, but were following internal requirements.
- Pete will continue to work on the schedule for proposal awards with Reclamation. This schedule was approved by InSC.

### **Program Reorganization Update**

- The Authorizing Legislation (AL) is in the phase of conceptual development by Sen. Domenici's staff under Erik Webb's lead. Deadline for completion of draft is this week. Other NM Congressional staff are looking at the organizational structure and participating in drafting the authorizing legislation (AL).
- A meeting took place to include the three Federal agencies (Reclamation, FWS, and COE) that could take over certain functions of the Program (BIA is not included); each agency received assignments and will provide their input.
- FY'06 funding for the Program is also being discussed.
- It was emphasized that InSC was unanimous in the decision regarding the make up of the original decision-making body of the Program after authorization. Erik asked the Program participants to let Congressional staff know what our specific requests are.
- The Program planned to send a letter to outline the benefits of a wider participation; this letter has not been sent yet.
- NM Congressional staff's perception is that the current size of the InSC (our decision making body) is the reason for not making decisions in a timely manner and are concerned that this will be the case if membership of this body is wide. We should write a strong letter out to lobby for what we want and present the real reasons why decision-making is challenging.

### **PAP Report Update**

- The Program participants were expecting answers to the following questions addressed to Pete:
  - Did we get what we needed from the PAP report?
  - How can we use the information that we have?
- It is expected that a separate meeting on this issue might be necessary. A synopsis of outstanding questions is necessary – we will not resolve this in today's meeting.
- We need to move quickly to distribute the most recent version of the PAP report. If major decisions are necessary, we should go ahead and make them.
- ISC would like the water operations and management sections removed. Scientific problems are cited; main point is that the PAP received a specific list of tasks and water management issues were not included. This appears to be outside of the SOW agreed upon. Several other entities reviewing the report had major concerns and they want to see how they have been addressed.
- There appears to be agreement that hydrology issues can be discussed in the report but not making recommendation on how water management should be done because the PAP does not

have knowledge of the law requirements in this regard (background information did not cover this area because it was not in the SOW) and because experts on this subject matter were not on panel.

- WAM considered this issue and suggests creating a PAP on hydrology, reviewing the hydrology-related work and revising the PAP report as necessary.
- OSE/ISC concern is that if the report is finalized as is (while not all Program signatories are in agreement with its recommendations), it could be used legally and create an awkward situation for Program and mainly for those not in agreement with the report recommendations.
- A suggestion was made that if WAMS thinks they need a hydro-focused PAP, we can excise the hydrology portions of the PAP report and use the biology-related portions.
- The SOW appears to have covered the following topics:
  - Monitoring issues
  - Other water management issues to contribute to recovery
- Pete was requested to distribute the SOW to Program participants so that all know what was asked of the PAP.
- The current status of the PAP report is that it has been reviewed by Program signatories and Recovery Team and comments were provided.
- Pete reported that the PAP accepted recommendations received in the comments and agreed on new language; however, the PAP also decided they will not excise any portions of report. The PAP members did not make the changes to the report themselves, instead Pete incorporated agreed-upon language in the new draft. This new draft is available but some more structural changes need to be made by Pete and his assistant. This new draft was not actually approved by PAP.
- The Program signatories decided they need to read the new draft to really see determine what the remaining issues are. However, the Program signatories want to receive the new draft after the PAP provides a cover letter that they are in agreement with the changes as made.
- Pete stated that the PAP will prepare a formal response to comments - AGO objected on the preparation of the response to comments as not being a wise use of Program money and not adding any value to the report.
- A question was asked if the Program provided the PAP the funding necessary to complete this work. Pete stated that we did but that the structural changes are made by him and his assistant because the contract with the PAP included addressing comments only.
- Another question was asked if the PAP might independently release this report if the Program does not accept it. Some signatories are concerned with the possibility that this report, if not approved by the Program, will end up in a court of law. It will be hard to convince a judge that some issues are not completely agreed upon by all involved in the Program.
- The hydrology PAP overlay may be the solution to our problem. The formation of the hydrology PAP and the financial commitment to go with this decision will have to be made by the signatories at a later date.

### **Next InSC Meeting**

- We are experiencing problems in accommodating everybody's schedules when set up new meetings, which is unfortunate.
- Next meeting with LTP and PAP as agenda items is set up for July 6, 10:00 a.m. – 2:00 p.m.
- Due to the timing, Pete was asked to contact the chair/co-chairs of the Executive Committee with a request to cancel the meeting they have set up for July 7.

### **Action Items**

- Cristina – add confidentiality agreement to notes.
- Pete – send revised PAP SOW to signatories.
- Pete – provide the new draft (revised) PAP report for signatories to review after the PAP approves the revisions.
- Pete – communicate the proposed change in schedule for the Executive Committee meeting.

### ***Meeting Attendance –6/10/2005***

#### **Attendance**

<b>Name</b>	<b>Affiliation</b>
<b>InSC Members</b>	
Tod Stevenson	Co-Chair - NMDGF
Janet Jarratt	Co-Chair – APA of the MRGCD
Kara Gillon	Alliance for the Rio Grande Heritage
Darrell Riekenberg	COE
Joy Nicholopoulos	FWS
Sterling Grogan	MRGCD
Karen L. Fisher	NMAGO
Alex Puglisi	Pueblo of Sandia
Lori Robertson	Reclamation
Steve Harris	RGR
Jose Rivera	UNM
<b>Others attending</b>	
Jennifer Parody	FWS
Elizabeth Zeiler	ISC
Pete David	Program Manager
Peter Kenneth	Assistant to Program Manager
Leif Bang	Pueblo of Santo Domingo
Kathy Dickinson	Reclamation
Cristina Radu	Tetra Tech